Docket No. AUS920010146US1   *PATENT*
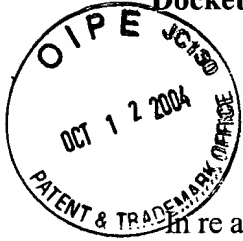
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Cordray et al.**   §

Serial No. **09/838,364**   §

Filed: **April 19, 2001**   §

For: **Delayed S torage o f C ookies w ith**   §
Approval Capability   §

§ Group Art Unit: **2172**

§ Examiner: **Fleurantin, Jean B.**

Commissioner for Patents
P.O. Box 1450
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APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on July 8, 2004.

The fees required under § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

REAL PARTIES IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE

2. Claims withdrawn from consideration but not canceled: NONE

3. Claims pending: 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36

4. Claims allowed: NONE

5. Claims rejected: 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36

6. Claims objected to: NONE.

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36.

STATUS OF AMENDMENTS

There are no amendments after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides method for managing cookies in a data processing system (Specification, page 14, lines 19-20, Figure 4, elements 404-410). A cookie is received in a request to accept a cookie (Specification, page 14, lines 10-11, Figure 6, element 600). The cookie is stored only in a temporary data store within the data processing system (Specification, page 14, lines 25-27, Figure 4, element 408 and Figure 6, element 604 and 606). A list of unsaved cookies is presented (Specification, page 15, lines 1-21, Figure 5, elements 502-520 and Figure 7, element 700). In response to a user input as to which of the unsaved cookies in the list are to be saved, a portion of the unsaved cookies within the list is selectively saved to a permanent data storage (Specification, page 14, lines 29-31, Figure 4, element 406 and Figure 7, element 708).

These features are recited in independent claim 1 of the present invention. In addition, independent claims 15 and 31 of the present invention recite similar subject matter as independent claim 1. Dependent claim 6 recites that the presenting and selectively saving step are initiated when a browser session terminates (Specification, page 16, lines 19-30, Figure 6, element 608).

Furthermore, the present invention provides a data processing system for managing cookies. The data processing system comprises receiving means for receiving a request to accept a cookie. The receiving means may be performed by, for example, LAN adapter 210, modem 222, and processor 202 in Figure 2, as described on page 11, lines 10-15, and element 600 in Figure 6 of the current specification. The data processing system also comprises accepting means for accepting the cookie. The accepting means may be performed by, for example, processor 202, bus 206, modem 222 and LAN adapter 210 in Figure 2, as described on page 11, lines 10-15, and element 606 in Figure 6 of the current specification.

The data processing system further comprises storing means for storing the cookie only in a temporary data store within the data processing system. The storing means may be performed by, for example, main memory 204, and additional memory 224, and processor 202 in Figure 2, as described on page 11, lines 10-15, and element 604 in Figure 6 of the current specification. The data processing system also comprises presenting means for presenting a list of unsaved cookies. The presenting means may be performed by, for example, video display terminal 104 in Figure

1, audio/video adapter 219, bus 206, and processor 202 in Figure 2, as described on page 11, lines 10-15, and element 502-520 in Figure 5 and element 702 in Figure 7 of the current specification.

The data processing system comprises selectively saving means for selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved. The selectively saving means may be performed by, for example, keyboard 106 and mouse 110 in Figure 1, processor 202, hard disk drive 226, and tape drive 228 in Figure 2, as described on page 11, lines 10-15, element 406 in Figure 4, and element 706 and 708 in Figure 7 of the current specification. These means are recited in independent claim 17 of the present invention.

Moreover, the presenting means and selectively saving means are initiated when a browser session terminates. The presenting and selectively saving means may be performed by, for example, keyboard 106, mouse 110, video display terminal 104 in Figure 1, audio/video adapter 219, bus 206, hard disk drive 226, tape drive 228, and processor 202 in Figure 2, as described on page 11, lines 10-15, and element 608 and 610 in Figure 6. The presenting and selectively saving means are recited in dependent claim 22 of the present invention.

In addition, the present invention provides a method in a data processing system for managing cookies (Specification, page 14, lines 19-20, Figure 4, elements 404-410), which comprises receiving a cookie during a browser program session (Specification, page 14, lines 10-11, Figure 6, element 600); storing the cookie in a temporary data store within the data processing system only for a duration of the browser program session (Specification, page 14, lines 25-27, Figure 4, element 408 and Figure 6, element 604); presenting a list of cookies received during the browser program session (Specification, page 14, lines 25-27, Figure 4, element 408 and Figure 7, element 702); selectively saving a particular cookie within the list of cookies to a permanent data storage in response to a user input indicating the particular cookie is to be retained (Specification, page 14, lines 29-31, Figure 4, element 406 and Figure 7, element 706 and 708); and discarding, after the browser program session terminates, cookies in the list of cookies that are not selected for saving to the permanent data storage (Specification, page 14, line 32, Figure 7, element 710). These features are recited in independent claim 9 of the present invention.

In addition, independent claims 16, 25, and 32 of the present invention recite similar subject matter as independent claim 9. Dependent claim 13 recites that the presenting step is

activated in response to a signal to terminate a browser program session (Specification, page 16, lines 19-30, Figure 6, element 608 and 610).

The present invention also provides a method for managing cookies in a data processing system (Specification, page 14, lines 19-20, Figure 4, elements 404-410), the method comprising accepting and accumulating cookies without immediately saving the cookies during a session (Specification, page 14, lines 10-11, lines 25-27, Figure 6, element 600, Figure 4, element 408 and Figure 6, element 602 and 604); presenting a list of the accepted and accumulated cookies (Specification, page 14, lines 25-27, Figure 4, element 408 and Figure 7, element 702 and 704); receiving a user selection of zero or more cookies from the list of accepted and accumulated cookies (Specification, page 17, lines 8-10, and Figure 7, element 704); and saving the selected cookies, accumulated during the session, to a permanent data storage (Specification, page 14, lines 29-31, Figure 4, element 406 and Figure 7, element 706 and 708).

These features are recited in independent claim 14 of the present invention. In addition, independent claims 30 and 34 of the present invention recite similar subject matter as independent claim 14.

The present invention further provides a method in a data processing system for managing cookies during a browser session on a client enabled to be communicatively connected to a plurality of servers over a network (Specification, page 10, lines 21-26, and Figure 2, element 210 and 222), the method comprising receiving at least one request to accept at least one cookie during the browser session (Specification, page 14, lines 10-11, Figure 6, element 600); accepting each of the at least one cookie (Specification, page 14, lines 10-11, Figure 6, element 606); storing, initially, each of the at least one cookie exclusively in a temporary data store within the data processing system (Specification, page 14, lines 10-11, Figure 6, element 604); displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session (Specification, page 15, lines 1-21, Figure 5, elements 502-520 and Figure 7, element 700 and 702); and storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list (Specification, page 14, lines 29-31, Figure 4, element 406 and Figure 7, element 708). These features are recited in independent claim 34 of the present invention.

The present invention also provides a data processing system running a browser program enabled to be communicatively connected to a plurality of servers over a network, the data

processing system comprising means for receiving at least one request to accept a cookie during a browser session. The means for receiving may be performed by, for example, LAN adapter 210, modem 222, and processor 202 in Figure 2, as described on page 11, lines 10-15, Figure 6, element 600 of the current specification. The data processing system also comprises means for accepting each of the at least one cookie. The means for accepting may be performed by, for example, bus 206, LAN adapter 202, modem 222, and processor 202 in Figure 2, as described on page 11, lines 10-15, Figure 6, element 604 and 606 of the current specification. The data processing system further comprises a temporary store for initially exclusively storing each of the at least one cookie. The temporary store may be, for example, a memory, such as main memory 204 or additional memory 224 in Figure 2. The data processing system further comprises means for displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session. The means for displaying may be performed by, for example, video display terminal 104 in Figure 1, audio/video adapter 219, bus, 206, and processor 202 in Figure 2, as described on page 11, lines 10-15, Figure 7, element 700 and 702 of the current specification. The data processing system further comprises means for storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list. The means for storing may be performed by, for example, keyboard 106, mouse 110 in Figure 1, hard disk drive 226, tape drive 228 and processor 202 in Figure 2, as described on page 11, lines 10-15, Figure 7, element 708 of the current specification. These features are recited in independent claim 35 of the present invention.

The present invention also provides a computer program having computer readable instruction means on a computer usable medium for managing cookies during a communication session with at least one of a plurality of servers over a network, comprising instruction means for enabling receipt of at least one request to accept a cookie during the browser session. This instruction means may be performed by, for example, LAN adapter 210, modem 222, and instructions implemented in processor 202 in Figure 2, and Figure 6, element 600 of the current specification. The computer program product further comprises instruction means for enabling acceptance of each of the at least one cookie. This instruction means may be performed by, for example, bus 206, LAN adapter 210, modem 222, and instructions implemented in processor 202 in Figure 2, and Figure 6, element 604 and 606 of the current specification. The computer program product further comprises instructions means for storing, initially, each of the at least

one cookie exclusively in a temporary data store within the data processing system. The instruction means may be performed by, for example, main memory 204, additional memory 224, and instructions implemented in processor 202 in Figure 2, and Figure 6, element 604 and 606 of the current specification. The computer program product further comprises instructions means for enabling a display, in response to a signal to terminate the browser session, of a list of cookies temporarily stored during the browser session. The instruction means may be performed by, for example, video display terminal 104 in Figure 1, audio/video adapter 219, bus 206, and instructions implemented in processor 202 in Figure 2, and Figure 7, element 700 and 702 of the current specification. The computer program product further comprises instruction means for storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list. The instruction means may be performed by, for example, keyboard 106, mouse 110, video display terminal 104 in Figure 1, audio/video adapter 219, bus 206, hard disk drive 226, tape drive 228, and instructions implemented in processor 202 in Figure 2, and Figure 7, element 708 of the current specification. These features are recited in independent claim 36 of the present invention.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

Claims 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36 are rejected as being allegedly unpatentable over Paltenghe et al. (U.S. Patent No. 6,421,729 B1) in view of Doeberl et al. (U.S. Patent No. 6,237,033 B1) under 35 U.S.C. §103(a).

ARGUMENT

I.   35 U.S.C. 103(a), Alleged Obviousness, Claims 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36

The Final Office Action rejects claims 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36 under 35 U.S.C. 103(a) as being allegedly unpatentable over Paltenghe et al. (U.S. Patent No. 6,421,729) in view of Doeberl et al. (U.S. Patent No. 6,237,033). This rejection is respectfully traversed.

With regard to claim 1, the Final Office Action states:

> As per claims 1 and 17, Paltenghe discloses a method in a data processing system for managing cookies (see col. 2, lines 20-22), "receiving a request to accept a cookie" as configured browser on the user's PC 4 then asks the user 6 whether it is okay to accept the cookie, (see col. 7, lines 7-9);
>
> "accepting the cookie" as the user accepts the cookie, (see col. 7, line 40); and
>
> "storing the cookie only in a temporary data store within the data processing system" as the system for an embodiment makes use of application software such as an electronic or virtual wallet and the cookie jar resides in the electronic or virtual wallet 'an electronic wallet is an embodiment of software acting as a container', (see col. 6, lines 16-25). Further, in column 8, lines 24-31, Paltenghe discloses the browser forward the cookie data to the virtual or electronic wallet 12, which stores the cookie data in the cookie jar 10 resident in the electronic wallet, at S28 when the user 6 returns to the website, the web server 2 requests that its cookie be returned at S29. Paltenghe does not explicitly discloses "presenting a list of unsaved cookies"; and "selectively saving cookies within the list of unsaved cookies in response to a user input as to which of the cookies are to be saved." However, Doeberl discloses the user activates the cookie editor 13 in the file mode, in which the cookie editor then presents to the user an interpreted display of each cookie in the cookie file 10, (col. 5, lines 25-32); and both the cookie blocking browsers and cookie file managers indicate to a user the identity of the website responsible for each cookie intended to be set or stored in the cookie file, (see col. 2, lines 18-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Paltenghe and Doeberl with list of cookies. Such modification would allow the teachings of Paltenghe and Doeberl with list of cookies. Such modification would allow the teachings of Paltenghe and Doeberl to provide information about a user to a website operated by the internet content provider, (see col. 1, lines 9-10).

Final Office Action dated May 18, 2004, pages 4-5.

Independent claim 1, which is representative of independent claims 15, 17, and 31 with

regard to similarly recited subject matter, reads as follows:

1.   A method in a data processing system for managing cookies, the method comprising:

receiving a request to accept a cookie;

accepting the cookie;

storing the cookie only in a temporary data store within the data processing system;

presenting a list of unsaved cookies; and

selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, to a permanent data storage in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved.

(emphasis added)

Neither Paltenghe nor Doeberl teach or suggest the features emphasized above. Paltenghe teaches a system that manages the flow and content of information in cookies in order to protect the privacy of the information contained in storage areas of users' PCs (col. 3, lines 55-58). Paltenghe controls the transmission of stored data to an Internet website server utilizing a "cookie jar" in an electronic or virtual wallet. With the system of Paltenghe, when a server requests permission to load a cookie onto a user's hard drive (step S12 of Figure 3), the user is presented with the option to either accept the cookie or not accept the cookie. If the user accepts the cookie (step S15), the cookie is stored on the user's hard drive. If the user does not accept the cookie (step S13), the Web page is provided on the user's PC, but no cookie is stored.

Appellants agree with the Examiner that Paltenghe does not teach presenting a list of unsaved cookies or selectively saving cookies within the list of unsaved cookies in response to a user input as to which of the cookies are to be saved. However, Appellants do not agree with the Examiner that Doeberl teaches these features.

Doeberl is directed to a system for enabling a user of a computer to manage so-called Internet cookies on a computer attached to the Internet and use a browser to access websites through the World Wide Web. Such cookies have a type and a value. The managing of cookies includes displaying to a user an interpretation of cookies that have been set on the user's computer; the interpretation is made by an interpreter referring to a local cookie dictionary, on the user's computer, having entries corresponding to different types of cookies. The managing of cookies also includes changing the values set by the websites, and fabricating cookies of types not necessarily used by a website in order to express to the website preferences a user wants the

website to know (Abstract).

However, Doeberl does not teach presenting a list of unsaved cookies or selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, to a permanent storage in response to a user input as to which of the cookies are to be saved, as recited in claims 1, 15, 17 and 31. The Final Office Action alleges that Doeberl teaches these features at column 5, lines 25-32 and column 2, lines 18-20, which read as follows:

> The present invention is used by a user in two ways: for managing cookies in the user's cookies file **10**, or for managing cookies in RAM. In the first way, while the user is either connected to the Internet or <u>offline</u>, the user activates the cookie editor **13** in file mode (as compared with RAM mode, as explained below). The cookie editor then presents to the user an <u>interpreted display of each cookie in the cookie file</u> **10**, the interpretation provided through the cookie interpreter **15**, using the local cookie dictionary **17** stored on the user's computer.

(Column 5, lines 25-32, Doeberl, emphasis added)

> Both the cookie-blocking browsers and cookie file managers indicate to a user the identity of the website responsible for each cookie intended to be set or stored in the cookie file.

(Column 2, lines 18-20, Doeberl)

In the above sections, Doeberl teaches managing cookies in either a user's cookies file or in RAM. While Doeberl teaches, in the first mode, that the cookie editor presents an interpreted display of a cookie in a cookie file to a user, the cookies in the cookie file are <u>saved</u> cookies. The cookies are not <u>unsaved</u> cookies. In addition, the cookie file is stored in a permanent storage, which is the user's computer storage, e.g. a hard drive. Therefore, Doeberl teaches presenting cookies that are saved to a permanent storage, not <u>a list of unsaved cookies</u>, as recited in claims 1, 15, 17 and 31.

Doeberl also teaches managing cookies in a RAM mode, at column 6, line 47 to column 7, line 5, which reads as follows:

> In the second way of using the present invention, the user manages a cookie in RAM. In this case, <u>when a website sets a cookie in RAM, the browser notifies the cookie interpreter and passes to it the RAM address of the cookie. The cookie interpreter executes the cookie editor; the editor then automatically executes in RAM mode (compared to file mode, noted above), i.e., without any involvement by the user. Then the cookie editor attempts to interpret the cookie based on the local cookie dictionary.</u> If it cannot, it directs the browser **11** to access the site-specific cookie dictionary **21**, and then searches that dictionary for

an interpretation of the cookie. <u>If it locates the interpretation for the cookie, it provides the interpretation to the user. The user can then inspect the cookie, alter it, or block it.</u>

Another way of managing cookies in RAM is for a user to fabricate a cookie while accessing a website using the browser **11**. The user would do this to convey to the website preferences the user may want the website to know. In this scenario, the user executes the cookie editor **13** in RAM mode, as compared with file mode used to manage cookies in the cookies file, and then fabricates a cookie in the same way as when the cookies editor is executed in offline mode. When the user is done fabricating the cookie, the cookie editor sets the cookie in RAM without any further involvement by the user.
(emphasis added)

In the RAM mode, Doeberl teaches that <u>when a website sets a cookie in RAM</u>, the browser notifies the cookie interpreter and passes the cookie interpreter the RAM address of the cookie. The cookie interpreter then executes the cookie editor in RAM mode and interprets the cookie. T hus, D oeberl t eaches a technique that is similar to Paltenghe, where each cookie is interpreted individually in RAM <u>when it is placed there</u>. The user is given the opportunity to block t he c ookie v ia t he e ditor, <u>b ut t his i s d one each time a cookie is set in RAM</u>. In other words, the user is asked each time a cookie is set in RAM whether that cookie is to be blocked or edited.

This is contrary to the present invention, where a cookie is accepted in a temporary storage during a session, a list of unsaved cookies are accumulated, and subsequently a list of unsaved cookies is presented to the user, who may then select from the list those cookies that are to be saved to a permanent storage. Rather than presenting a list of unsaved cookies, both Doeberl and Paltenghe require the user to select whether to store or block a cookie <u>as each cookie is attempted to be set on the client computer</u>. Neither reference permits a list of unsaved cookies to be generated nor allows a user to select cookies to be saved or discarded from the generated list. Thus, despite the allegations, Doeberl only teaches interpreting each cookie, one at a time, as it reaches the browser, as opposed to presenting a list of unsaved cookies.

Furthermore, Doeberl does not teach selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, to a permanent data storage in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved. As described above, Doeberl does not teach a list of unsaved cookies. Therefore, Doeberl would not teach selectively saving a portion of the unsaved cookies within a list of unsaved cookies. In addition, Doeberl

does not specify how the cookies are to be saved after the user fabricates the cookie. Doeberl only teaches, at column 7, lines 2-5, that when the user is done fabricating the cookie, the cookie editor sets the cookie in the RAM without any further involvement by the user. There is no mention of how the cookies are to be saved to permanent storage. Moreover, contrary to selectively saving a portion of the unsaved cookies to a permanent storage responsive to a user input, Doeberl teaches not to involve the user in any way after the cookie is set in RAM. Therefore, Doeberl does not teach or suggest the recited features of claims 1, 15, 17 and 31.

Furthermore, it would not have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Paltenghe and Doeberl to present a list of cookies, because both Paltenghe and Doeberl specifically teach away from presenting a list of unsaved cookies and selectively saving cookies within the list of cookies to a permanent data storage. Both references teach to determine whether to save or block cookies on a one-by-one basis as the cookie is sent to the client machine. Neither reference even suggests to compile a list of unsaved cookies and then present it so that a user may select which cookies are to be saved and which cookies are to be discarded. The present invention provides clear and non-obvious improvements over Paltenghe and Doeberl in that the constant interruptions that are experienced in Paltenghe and Doeberl are eliminated by the present invention. Such an improvement or even desire for such improvement, is not taught, suggested, or even contempted by the cited references.

The Final Office Action alleges that such modification to Paltenghe and Doeberl would allow the teachings of Paltenghe and Doeberl to "provide information about a user to a website by the internet content provider." It is not clear how presenting a list of unsaved cookies would "provide information about a user to a website." This seems to be an irrelevant "motivation" that is not supported by the teachings of the references or the knowledge of those of ordinary skill in the art. Providing a list of unsaved cookies would no more provide information about a user to a website than the specific mechanisms actually taught by the references. Thus, despite the Office Action's allegations to the contrary, there is really no motivation to combine the references apart from a prior knowledge of Applicants' claimed invention.

In summary, Paltenghe only teaches a system that presents one cookie to the user at a time in order for the user to accept the cookie and save it to the user's hard drive. Doeberl teaches, as summarized at column 2, lines 42-45 of the reference, a means of interpreting the

content of cookies in a cookie file or in RAM mode as it is received at the browser. Neither of the references teaches or suggests the features of presenting a list of unsaved cookies and selectively saving unsaved cookies to a permanent storage in response to a user input. There is also no suggestion in either of the references as to these features. Therefore, a person of ordinary skill in the art would not have been motivated to combine or modify the references to reach the presently claimed invention.

In response to these arguments, the Examiner, in the Final Office Action, states that while neither Doeberl nor Paltenghe teaches or suggests selectively saving a portion of unsaved cookies within a list of unsaved cookies to a permanent data storage, it would have been obvious to person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Paltenghe and Doeberl with a list of cookies. The Examiner alleges that such modification would "improve the accuracy of the delayed storage of cookies with approval capability." Appellants respectfully disagree.

Both Paltenghe and Doeberl are only interested in providing approval capability of an individual cookie to the user. Paltenghe prompts the user each time a cookie is received and requests for permission to accept the cookie. Doeberl provides an interpreted display of each cookie, either in the cookie file or received in RAM, to the user. Neither reference provides any teaching or suggestion to improve the accuracy of cookie storage by providing approval capability with a list of cookies.

To the contrary, both references teach away from providing approval capability with a list of unsaved cookies. Paltenghe teaches, in Figure 3 of the reference, that the accessed website server requests permission to load a cookie in the hard drive of the user's PC. Doeberl teaches that when a website sets a cookie in RAM, the browser notifies the cookie editor to provide an interpretation of the cookie to the user. Therefore, both references advocate the technique of presenting or interpreting a single cookie, as opposed to a list of unsaved cookies. Thus, a person of ordinary skill in the art would not have been led to modify the teachings of Doeberl and Paltenghe to present a list of unsaved cookies or selectively saving a portion of unsaved cookies to a permanent storage without the disclosure of the Appellants.

Furthermore, the Examiner states, in the Response to Arguments section, that obviousness can only be established by combining and modifying the teachings of prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art. The Examiner alleges that in this case, Doeberl discloses the user activates the cookie editor in the file mode, in which the cookie editor then presents the user an interpreted display of each cookie in the cookie file and that both the cookie blocking browsers and cookie file managers indicate to a user the identity of the website responsible for each cookie intended to be set or stored in the cookie file.

As discussed above, Doeberl does not teach the features of presenting a list of unsaved cookies, because Doeberl's cookie editor merely interprets one cookie at a time when the cookie is set in RAM by the browser. There is no teaching or suggestion that a list of cookies is compiled at any time during the interpretation or presentation to the user. In addition, Doeberl teaches that the identity of the website responsible for each cookie intended to be set or stored in the cookie file is indicated to the user. Thus, Doeberl maintains processing of only a single cookie by the cookie blocking browsers and cookie file managers, such that the identity of the responsible website for the single cookie is indicated to the user. Doeberl does not teach that a list of unsaved cookies is processed by the mechanisms.

The section of Doeberl being referenced by the Examiner is describing the file mode of Doeberl which operates on already stored cookies. Thus, the Examiner's statements with regard to this section of Doeberl are not relevant to the claimed features, because Doeberl provides a clear division between operating modes of the system. The file operating mode only operates on already stored cookies, not unsaved cookies. Therefore, it would not have been obvious for a person of ordinary skill in the art to reach the presently claimed invention using the file operating mode of Doeberl.

Thus, the Examiner's alleged "Response to Arguments" does not in fact adequately address any of the arguments presented and is merely a reiteration of the rejections. Therefore, the Examiner has not presented any compelling reason as to why a person of ordinary skill in the art would have been led to either combine or modify the teachings of Paltenghe and Doeberl to each reach the presently claimed invention. Thus, Appellants respectfully request the Board overturn the rejections of claims 1, 15, 17 and 31 under 35 U.S.C. §103(a), based on the alleged combination of Doeberl and Paltenghe, for the many compelling reasons set forth above.

In view of the above, Appellants respectfully submit that neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests the features independent claims 1, 15, 17 and

31. At least by virtue of their dependency on claims 1 and 17, neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests the features of dependent claims 3, 4, 6-8, 19, 20, and 22-24. Accordingly, Appellants respectfully request the withdrawal of the rejection of claims 1, 3, 4, 6-8, 17, 19, 20, and 22-24 under 35 U.S.C. §103(a).

With regard to claims 6 and 22, neither Paltenghe nor Doeberl teaches or suggests that the presenting step and selectively saving step are initiated when a browser session terminates. The Final Office Action alleges that Paltenghe teaches these features at column 7, lines 27-29, which reads as follows:

> **FIG. 3** is a flow chart which amplifies the flow of information shown in **FIG. 1** and provides further detail in the prior art interaction between the website server **2** and the user's PC **4** with the browser **8** which is configured by user **6** to ask for permission before accepting a cookie. At **S11**, the user **6** accesses the website. At **S12**, the accessed website server **2** requests permission to load a cookie in the hard drive of the user's PC **4**. At **S13**, if the user **6** does not accept the cookie, the accessed website server **2** does not place a cookie on the hard drive of the user's PC **4**, and at **S14**, the website server loads the web page onto the user's PC **4**. (emphasis added)

In the above section, Paltenghe teaches that a website server requests permission from the user to load a cookie in the user's PC hard drive when the user accesses the website. If the user accepts the cookie, the cookie is loaded in the user's PC. Thus, the presenting and the saving of the cookie are initiated when the user accesses the website with a browser. These steps are not initiated when the browser terminates execution, as recited in claims 6 and 22. Contrary to the features recited in the claim, Paltenghe relies on the fact that permissions are requested when the user accesses the website using a browser.

Doeberl also does not teach the features of claims 6 and 22. Similar to Paltenghe, Doeberl teaches, at column 6, lines 62-65, a way to manage cookies in RAM is for a user to fabricate a cookie while accessing a website using the browser. The user may inspect it, alter it, or block it when the interpretation is displayed. However, the cookie is displayed while it is set in RAM, which means that the cookie is set online during a browser session. Therefore, Doeberl does not present to the user, or allow the user to selectively save, the cookie when browser session terminates. Rather, Doerberl allows a user to inspect, alter, or block one cookie at a time during a browser session. Therefore, neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests the features of claims 6 and 22.

As to independent claim 9, which is representative of claims 16, 25, and 32 with regard to similarly recited subject matter, it recites:

9.   A method in a data processing system for managing cookies, the method comprising:

receiving a cookie during a browser program session;

storing the cookie in a temporary data store within the data processing system only for a duration of the browser program session;

presenting a list of cookies received during the browser program session;

selectively saving a particular cookie within the list of cookies to a permanent data storage in response to a user input indicating the particular cookie is to be retained; and

discarding, after the browser program session terminates, cookies in the list of cookies that are not selected for saving to the permanent data storage. (emphasis added)

Neither Paltenghe nor Doeberl teaches or suggests the features emphasized above. The Final Office Action alleges that in addition to the discussion in claim 1, Paltenghe discloses "discarding the cookie after the browser program session terminates" in that if the user does not accept the cookies, the accessed website server does not place a cookie on the hard drive of the user's PC (col. 7, lines 32-34).

While Paltenghe teaches discarding a cookie if the server does not place it on the hard drive, Paltenghe discards the cookie as the cookie is presented to the user on a one-by-one basis. Since Paltenghe only presents one cookie at a time to the user, instead of a list of cookies, Paltenghe does not, and would not teach discarding cookies in the list of cookies that are not selected for saving to the permanent storage.

Doeberl also does not teach this feature. Doeberl only teaches setting a cookie in RAM and allowing user to inspect it, alter it, or block it. Similar to Paltenghe, Doeberl teaches inspecting, altering, or blocking one cookie at a time. There is no teaching or suggestion of presenting a list of cookies for a user to select which of the cookies in the list of cookies are to be retained. Therefore, Doeberl does not, and would not teach discarding the cookie in the list of cookies that are not selected for saving to the permanent storage.

In view of the above, Appellants respectfully submit that neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests the features of independent claims 9, 16, 25, and 32. At least by virtue of their dependency on claims 9 and 25, neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests the features of dependent claims 10, 11, 13, 26, 27, and 29. Accordingly, Appellants respectfully request the withdrawal of the rejection of

claims 9-11, 13, 16, 25-27, and 29 under 35 U.S.C. §103(a).

With regard to claims 13 and 29, neither Paltenghe nor Doeberl teaches or suggests that the presenting step is activated in response to a signal to terminate the browser program session. The Final Office Action alleges that Paltenghe teaches these features at column 8, lines 26-31, which reads as follows:

> If the user **6** accepts the cookie, the cookie data is sent by the web server **2** to the browser **8** on the user's PC **4**. At **S27**, the browser forwards the cookie data to the virtual or electronic wallet **12**, which stores the cookie data in the cookie jar **10** resident in the electronic wallet.

In the above section, Paltenghe teaches that if the user accepts a cookie, the cookie data is sent to a browser on the user's PC, the browser then forwards the data to the virtual wallet. There is no mention of presenting the cookie data to the user responsive to a signal to terminate a browser program session. To the contrary, Paltenghe teaches that the requirement of an active browser, which receives the cookie data and forwards it to a virtual wallet after the user accepts the cookie. In addition, there is no teaching or suggestion of any signal that terminates the browser program session, let alone activating presentation of the cookie data to the user in response to a signal to terminate the browser program session. Therefore, Paltenghe does not teach the features of claims 13 and 29.

Doeberl also fails to teach such features. Doeberl only teaches allowing a user to inspect, alter, or block one cookie at a time when the cookie is set in RAM. These operations are performed while a user is online during a browser session. Doeberl does not teach activating a presenting step in response to a signal to terminate the browser program session. Thus, neither Paltenghe nor Doeberl teaches or suggests the features of claims 13 and 29.

With regard to independent claim 14, the Final Office Action states:

> As per claims 14 and 30, in addition to the discussion in claim 1, Paltenghe further discloses "accepting and accumulating cookies without immediately saving the cookies during a session" as the user's PC **4** with the browser **8** which is configured by the user **6** to ask for permission before accepting a cookie, (see col. 7, lines 27-29). Further, in column 8, lines 24-26, Paltenghe discloses if the user **6** accepts the cookie, in which the cookie data is sent by the web server **2** to the browser **8** on the user's PC **4**.

Final Office Action, dated May 18, 2004, page 7.

Independent claim 14, which is representative of claims 30 and 33 with regard to similarly recited subject matter, reads as follows:

14.   A method for managing cookies in a data processing system, the method comprising:

accepting and accumulating cookies without immediately saving the cookies during a session;

presenting a list of the accepted and accumulated cookies;

receiving a user selection of zero or more cookies from the list of accepted and accumulated cookies; and

saving the selected cookies, accumulated during the session, to a permanent data storage. (emphasis added)

Neither Paltenghe nor Doeberl teaches or suggests presenting a list of accepted and accumulated cookies. The Final Office Action alleges that since Paltenghe teaches asking for permission to accept a cookie and sending data of the accepted cookie to a browser on the user's PC, Paltenghe teaches the features of claim 14. Appellants respectfully disagree. Paltenghe only teaches asking the user for permission to accept one cookie at a time and sending data of that cookie to the browser. Paltenghe does not accumulate a list of accepted cookies and present the list to the user for the user to select cookies to be saved. Rather, Paltenghe processes one cookie at a time, such that the user can give permission to store or block each cookie that is received. Therefore, Paltenghe does not teach or suggest the features of claims 14, 30 and 33.

Doeberl also does not teach the features of claims 14, 30 and 33. Doeberl only interprets a single cookie when the website sets the cookie in RAM and displays the interpretation of that cookie to the user. There is no teaching or suggestion of accumulating a list of cookies or interpretations of a list of cookies anywhere in the reference. Therefore, neither Paltenghe nor Doeberl teaches or suggests the features of claims 14, 30 and 33.

With regard to independent claims 34, 35, and 36, the Final Office Action states:

As per claims 34, 35, and 36, in addition to discussion in claims 1 and 9, Paltenghe further discloses, "displaying, in response to signal to terminate the browser session, a list of cookies temporarily stored during the browser session," (see. col. 6, lines 60-62); and

"storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list" as instead of writing cookies to the hard disk of the user's PC **4** on which the user's browser **8** is installed, the cookies are stored in the user's electronic wallet, (see col. 7, lines 58-61).

Final Office Action, dated May 18, 2004, page 10.

Independent claim 34, which is representative of claims 35 and 36 with regard to similarly recited subject matter, recites:

34. A method in a data processing system for managing cookies during a browser session on a client enabled to be communicatively connected to a plurality of servers over a network, the method comprising:

receiving at least one request to accept at least one cookie during the browser session;

accepting each of the at least one cookie;

storing, initially, each of the at least one cookie exclusively in a temporary data store within the data processing system;

<u>displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session</u>; and

storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list. (emphasis added)

Neither Paltenghe nor Doeberl teaches or suggests displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session. While Paltenghe teaches, in the above sections, storing cookies in a plain text file on the hard drive of user's PC and storing the cookies in the user's electronic wallet instead of writing cookies to the hard disk of the user's PC, Paltenghe does not teach displaying a list of cookies temporarily stored during a browser session in response to a signal to terminate the browser session.

What Paltenghe teaches, in the above section, is how to store a cookie, either in the hard disk of the user's PC or in a user's electronic wallet. Paltenghe does not mention a list of cookies anywhere in the reference, let alone displaying such a list. In addition, Paltenghe stores the cookie with the use of a browser, since Paltenghe teaches that the browser has to be first configured by the user to ask for permission before storing the cookie. Therefore, there is no way Paltenghe could have taught or suggested displaying a list of cookies temporarily stored <u>in response to a signal to terminate the browser session</u>, since the browser has to be executing in order for the cookie to be stored. Therefore, Paltenghe does not teach or suggest the features of claims 34, 35 and 36.

Doeberl also does not teach or suggest such features. While Doeberl teaches that the cookie editor presents an interpretation of each cookie in the cookie file to the user, the cookies in the cookie file are not cookies temporarily stored during a browser session. The cookies in the cookie file are permanently stored on the user's PC. In addition, Doeberl teaches that only a single cookie is interpreted at a time when the cookie is set in RAM. The cookie is received using a browser while the user accesses the website and the determination as to whether to block

the cookie or not is performed when the cookie is in RAM, i.e. during a browser session. Therefore, Doeberl also fails to teach displaying a list of cookies temporarily stored during the browser session, in response to a signal to terminate the browser session, as recited in claims 34, 35 and 36.
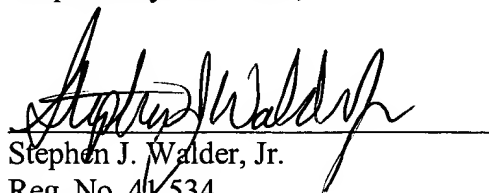
In view of the above, Appellants respectfully submit that neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests the features of independent claims 14, 30, 31, and 34-36. Accordingly, Appellants respectfully request the withdrawal of the rejection of claims 14, 30, 31, and 34-36 under 35 U.S.C. §103(a).

CONCLUSION

For the reasons stated above, Appellants respectfully submit that the rejection under 35 U.S.C. §103(a) of claims 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36 has been overcome. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences overturn the rejections set forth in the Final Office Action.

Respectfully submitted,

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1.   A method in a data processing system for managing cookies, the method comprising:

receiving a request to accept a cookie;

accepting the cookie;

storing the cookie only in a temporary data store within the data processing

system;

presenting a list of unsaved cookies; and

selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, to

a permanent data storage in response to a user input as to which of the unsaved cookies in the list

of unsaved cookies are to be saved.

3.   The method of claim 1, wherein the receiving, accepting, and storing steps are performed

in a browser executing on the data processing system.

4.   The method of claim 3 further comprising:

discarding the cookie when the browser terminates execution, if the cookie is not

selected, from the list of unsaved cookies, as being a cookie to be saved in the permanent data

storage.

6.   The method of claim 1, wherein the presenting step and selectively saving step are

initiated when a browser session terminates.

7.   The method of claim 1, wherein the presenting step and selectively saving step are initiated in response to a user input.

8.   The method of claim 1, wherein the temporary data store is one of a random access memory or a temporary file on a hard disk drive.

9.   A method in a data processing system for managing cookies, the method comprising:

receiving a cookie during a browser program session;

storing the cookie in a temporary data store within the data processing system only for a duration of the browser program session;

presenting a list of cookies received during the browser program session;

selectively saving a particular cookie within the list of cookies to a permanent data storage in response to a user input indicating the particular cookie is to be retained; and

discarding, after the browser program session terminates, cookies in the list of cookies that are not selected for saving to the permanent data storage.

10.   The method of claim 9, wherein the particular cookie is stored in a cookie file in the permanent data storage instead of discarding the cookie if a user input indicates that the particular cookie is to be retained.

11.   The method of claim 9, wherein the temporary data store is a random access memory.

13.   The method of claim 9, wherein the presenting step is activated in response to a signal to terminate the browser program session.

14.   A method for managing cookies in a data processing system, the method comprising:

accepting and accumulating cookies without immediately saving the cookies during a session;

presenting a list of the accepted and accumulated cookies;

receiving a user selection of zero or more cookies from the list of accepted and accumulated cookies; and

saving the selected cookies, accumulated during the session, to a permanent data storage.

15.   A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a request to accept a cookie; accept the cookie; store the cookie only in a temporary data store within the data processing system; present a list of unsaved cookies; and selectively save a portion of the unsaved cookies, within the list of unsaved cookies, to a permanent data storage in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved.

16.   A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes set of instructions;

and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a cookie during a browser program session, store the cooking in a temporary d ata s tore w ithin t he data processing system only during a duration of the browser program session; present a list of cookies received during the browser program session; selectively save a particular cookie within the list of cookies to a permanent data storage in response to a user input indicating the particular cookie is to be retained; and discard after the browser program session terminates, cookies in the list of cookies that are not selected for saving to the permanent data storage.

17.   A data processing system for managing cookies, the data processing system comprising:

receiving means for receiving a request to accept a cookie;

accepting means for accepting the cookie;

storing means for storing the cookie only in a temporary data store within the data processing system;

presenting means for presenting a list of unsaved cookies; and

selectively saving means for selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved.

19.   The data processing system o f c laim 1 7, w herein t he r eceiving, a ccepting, a nd s toring means are operate with a browser executing on the data processing system.

20.   The data processing system of claim 19 further comprising:

discarding means for discarding the cookie when the browser terminated execution if the cookie is not part of the portion of unsaved cookies selected to be saved.

22.   The data processing system of claim 17, wherein the presenting means and selectively saving means are initiated when a browser session terminates.

23.   The data processing system of claim 17, wherein the presenting means and selectively saving means are initiated in response to a user input.

24.   The d ata p rocessing s ystem o f c laim 1 7, w herein t he t emporary d ata s tore i s o ne o f a random access memory or a temporary file on a hard disk drive.

25.   A data processing system for managing cookies, the data processing system comprising:

receiving means for receiving a cookie during a browser program session;

storing means for storing the cookie in a temporary data store within the data processing system only for a duration of the browser program session;

presenting means for presenting a list of cookies received during the browser program session;

selectively saving means for selectively saving a particular cookie within the list of cookies to a permanent data storage in response to a user input indicating the particular cookie is to be retained; and

discarding means for discarding, after the browser program session terminates, cookies in the list of cookies that are not selected for saving to the permanent data storage

26. The data processing system of claim 25, wherein the particular cookie is stored in a cookie file in the permanent data storage instead of discarding the cookie if a user input indicates that the particular cookie is to be retained.

27. The data processing system of claim 25, wherein the temporary data store is a random access memory.

29. The data processing system of claim 25, wherein the presenting means is activated in response to a signal to terminate the browser program session.

30. A data processing system for managing cookies in a data processing system, the data processing system comprising:

accepting means for accepting and accumulating cookies without immediately saving the cookies during a session;

presenting means for presenting a list of unsaved cookies; and

selectively saving means for selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, accumulated during the session based on a user selection of the portion of the unsaved cookies from the list of unsaved cookies.

31.   A computer program product in a computer readable medium for managing cookies, the computer program product comprising:

first instructions for receiving a request to accept a cookie;

second instructions for accepting the cookie;

third i nstructions f or s toring t he c ookie o nly i n a t emporary data store within the data processing system

fourth instructions for presenting a list of unsaved cookies; and

fifth instructions for selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved.

32.   A computer program product in a computer readable medium for managing cookies, the computer program product comprising:

first instructions for receiving a cookie during a browser program session;

second instructions for storing the cookie within the data processing system only for a duration of the browser program session; and

third instructions f or p resenting a l ist o f c ookies r eceived d uring t he b rowser p rogram session;

fourth instructions for selectively saving a particular cookie within the list of cookies to a permanent data storage in response to a user input indicating the particular cookie is to be retained; and

fifth instructions for discarding, after the browser program sessions terminates, cookies in the list of cookies that are not selected for saving to the permanent data storage.

33.   A computer program product in a computer readable medium for managing cookies in a data processing system, the computer program product comprising:

first instructions for accepting and accumulating cookies without immediately saving the cookies during a session;

second instructions for presenting means for presenting a list of unsaved cookies; and

third instructions for selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, accumulated during the session based on a user selection of the portion of the unsaved cookies from the list of unsaved cookies.

34.   A method in a data processing system for managing cookies during a browser session on a client enabled to be communicatively connected to a plurality of servers over a network, the method comprising:

receiving at least one request to accept at least one cookie during the browser session;

accepting each of the at least one cookie;

storing, initially, each of the at least one cookie exclusively in a temporary data store within the data processing system;

displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session; and

storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list.

35.   A data processing system running a browser program enabled to be communicatively connected to a plurality of servers over a network, the data processing system comprising:

means for receiving at least one request to accept a cookie during a browser session;

means for accepting each of the at least one cookie;

a temporary store for initially exclusively storing each of the at least one cookie;

means for displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session; and

means for storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list.

36.   A computer program having computer readable instruction means on a computer usable medium for managing cookies during a communication session with at least one of a plurality of servers over a network, comprising:

instruction means for enabling receipt of at least one request to accept a cookie during the browser session;

instruction means for enabling acceptance of each of the at least one cookie;

instructions means for storing, initially, each of the at least one cookie exclusively in a temporary data store within the data processing system;

instructions means for enabling a display, in response to a signal to terminate the browser session, of a list of cookies temporarily stored during the browser session; and
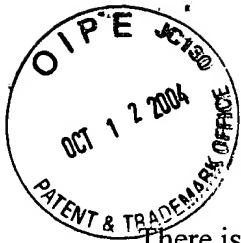
instruction means for storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list.

EVIDENCE APPENDIX

There is no evidence submitted or entered by the Examiner.

RELATED PROCEEDINGS APPENDIX

There is no decision rendered by the court or the Board in any proceeding.